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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 8:23-cv-00377-FWS-KES

Date: June 14, 2023

Title: Jerome L. Grimes v. Crunch and Punch Fitness LLC *et al.*

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Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Melissa H. Kunig  
Deputy Clerk

N/A  
Court Reporter

Attorneys Present for Plaintiff:

Not Present

Attorneys Present for Defendants:

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE**

Plaintiff Jerome L. Grimes (“Plaintiff”) filed the Complaint and a Request to Proceed In Forma Pauperis on March 3, 2023. (Dkt. 1.) On March 10, 2023, the court denied Plaintiff’s Request to Proceed In Forma Pauperis because the Complaint failed to adequately establish the court’s subject matter jurisdiction or state a claim upon which relief could be granted. (See Dkt. 8 at 1-2.) The denial was without prejudice to Plaintiff filing an amended complaint that corrected the deficiencies previously identified by the court. (*Id.*) The court ordered Plaintiff to file an amended complaint, if any, by April 10, 2023. (*Id.* at 2.) Plaintiff did not file an amended complaint. (See generally Dkt.)

On March 20 and 24, 2023, Plaintiff filed two documents titled “Notice of Change of Address.” (Dkts. 9, 10.) Both documents listed identical “general delivery” addresses for Plaintiff in Montclair, California but neither included a street address. (See Dkts. 9, 10.) Plaintiff also filed an “Early Voter Emergency Voter Certificate” on March 24, 2023, listing a Florida address. (Dkt. 11.)

On April 6, 2023, Plaintiff filed a second Request to Proceed In Forma Pauperis. (Dkt. 12.) On April 11, 2023, the court denied the second Request to Proceed In Forma Pauperis because Plaintiff failed to file an amended complaint pursuant to the court’s March 10, 2023, order. (See Dkts. 8, 13.) The court provided Plaintiff an additional fourteen days, or until April 25, 2023, to file an amended complaint. (Dkt. 13 at 2.) The court advised Plaintiff that: (1) he would not be granted any additional time in which to file an amended complaint; and (2) failure

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to file an amended complaint curing the deficiencies previously identified by the court within fourteen days would result in this action being dismissed without prejudice. (*Id.*)

On April 27, 2023, Plaintiff filed a motion seeking an addition thirty days to file an amended complaint. (Dkt. 16.) The motion alleged Plaintiff “never received the U.S. Clerk’s Mail because of U.S. Clerk’s pre-textual error, mail tampering, or deliberate indifference.” (*See id.* at 1.) The motion also stated:

[I]t has been discovered through In Pro Se, Independent Investigation that the HEREIN Los Angeles Division, UU. S. District Court & U. S. Clerks of Court of Los Angeles Division & San Diego Division (Post-04/19/1995) has been involved in illegal economic espionage act in direct assistance with their "Co-shill" Ex-Police Officer: (Def.) Nathaniel NATHAN Johnson in violation of U. S. Court ORDER Case Number: 4:86-cv-5203, No. CA., U. S. Dist. Ct., who did “not” get sovereign immunity from prosecution, and neither should a Pre-textual Deliberate Indifferent U. S. District Court CLERK, who deliberately “used” an incompetent “Rouse” to covertly legal mail tamper (i.e., Intimidate) in an attempt to HELP to Steal The Plaintiff’s Trade Secrets, identified as non-published BUSINESS PLAN COLORING BOOK With UPC Barcode Registration Poorman’s Copyright Equivalent Number: 8 62292 00010 2, because these above-mentioned U. S. District Court CLERKS’ “feel” they are in a dead-end job in the commission of crude oil extortion and invasion of privacy with tenor INTENT while in a nice employed appearance to illegally launder the PLAINTIFF’S crude oil inheritances & PLAINTIFF’S birthplace inheritance . . . .

(*Id.* at 2-3.)

The record demonstrates that mail sent to Plaintiff was returned as undeliverable due to a deficient mailing address. (*See* Dkts. 14, 15, 17, 18, 19.) As a result, the court granted

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Plaintiff's request for an additional thirty-day extension to file an amended complaint. (Dkt. 20.) On May 13, 2023, Plaintiff filed an amended complaint ("FAC"), (Dkt. 21), and "Letter," (Dkt. 22).

As of the date of this Order, Plaintiff has not paid the civil filing fee or filed a renewed application to proceed in forma pauperis. (*See generally* Dkt.) In addition, since initiating this action in March 2023, Plaintiff has not served either defendant pursuant to Federal Rule of Civil Procedure 4. (*See generally* Dkt.); Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."). Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this case should not be dismissed for failure to prosecute no later than **July 7, 2023**.

Plaintiff may discharge the Order to Show Cause by completing the following:

- 1) Either paying the requisite civil filing or filing an application to proceed in forma pauperis; **AND**
- 2) Filing proof of service demonstrating that Plaintiff served both Defendant Crunch Punch Fitness LLC and Defendant Tyler Le in accordance with Federal Rule of Civil Procedure 4.

Failure to comply with the court's order will result in dismissal. *See* Fed. R. Civ. P. 41(b); L. R. 41-6; *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962) ("The authority of a federal trial court to dismiss a plaintiff's action with prejudice because of his failure to prosecute cannot seriously be doubted."); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[C]ourts may dismiss under Rule 41(b) *sua sponte*, at least under certain circumstances."); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) ("It is within the inherent power of the court to *sua sponte* dismiss a case for lack of prosecution.").

**IT IS SO ORDERED.**

Initials of Deputy Clerk: mku